

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #11	CCRB Case #: 201810023	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 12/03/2018 10:30 AM	Location of Incident: § 87(2)(b) 77th Precinct stationhouse	Precinct: 77	18 Mo. SOL 6/3/2020	EO SOL 1/18/2021	
Date/Time CV Reported Mon, 12/03/2018 11:48 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/03/2018 11:48 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Chandrapau Temal	09572	965561	077 PCT
2. DT3 Piero Lasaponara	01161	947157	WARRSEC
3. LT William Diab	00000	940125	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM David Hudgens	22861	952864	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Piero Lasaponara	Abuse: Detective Piero Lasaponara entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.LT William Diab	Abuse: Lieutenant William Diab entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.DT3 Piero Lasaponara	Abuse: Detective Piero Lasaponara damaged § 87(2)(b)'s property.	§ 87(2)(b)
D.DT3 Piero Lasaponara	Abuse: Detective Piero Lasaponara searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
E.LT William Diab	Abuse: Lieutenant William Diab searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
F.LT William Diab	Abuse: Lieutenant William Diab refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
G.DT3 Piero Lasaponara	Abuse: Detective Piero Lasaponara failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
H.LT William Diab	Abuse: Lieutenant William Diab failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
I.POM Chandrapau Temal	Abuse: At the 77th Precinct stationhouse, Police Officer Chandrapau Temal did not process § 87(2)(b)'s complaint regarding officers.	§ 87(2)(b)

Case Summary

On December 3, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone.

On December 3, 2018, at approximately 10:30 a.m., Detective Piero Lasaponara and Lieutenant William Diab of the Warrant Section entered the § 87(2)(b) of § 87(2)(b) in Brooklyn (**Allegations A and B: Abuse of Authority**, § 87(2)(g) Det. Lasaponara damaged § 87(2)(b)'s property (**Allegation C: Abuse of Authority**, § 87(2)(g) Det. Lasaponara and Lt. Diab searched the § 87(2)(b) of § 87(2)(b) (**Allegations D and E: Abuse of Authority**, § 87(2)(g) Lt. Diab allegedly refused to provide his shield number to § 87(2)(b) (**Allegation F: Abuse of Authority**, § 87(2)(g) Det. Lasaponara and Lt. Diab failed to provide § 87(2)(b) with a business card (**Allegations G and H: Abuse of Authority**, § 87(2)(g)

At the 77th Precinct stationhouse, Police Officer Chandrapaul Temal allegedly did not process § 87(2)(b)'s complaint regarding officers (**Allegation I: Abuse of Authority**, § 87(2)(g)

This case did not result in any arrests or summonses.

There is no known video footage of this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Piero Lasaponara entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Lieutenant William Diab entered § 87(2)(b) in Brooklyn.

Allegation (C) Abuse of Authority: At § 87(2)(b) in Brooklyn, Detective Piero Lasaponara damaged § 87(2)(b)'s property.

An attorney was consulted in this case. The following facts are undisputed:

On December 3, 2018, at approximately 10:30 a.m., Det. Lasaponara, Lt. Diab, and Police Officer David Hudgens, also of the Warrant Section, went to § 87(2)(b) in Brooklyn to execute an arrest warrant for § 87(2)(b)'s daughter, § 87(2)(b) § 87(2)(b). The case was assigned to Det. Lasaponara. § 87(2)(b) is a brownstone with stairs leading to the main entrance of the building, which is a common area. Directly below the stairs is a separate entrance, which leads to the § 87(2)(b) where § 87(2)(b) resides. Det. Lasaponara, Lt. Diab, and PO Hudgens had been to the location before and thus were familiar with the layout of the building.

§ 87(2)(b) refused to open the § 87(2)(b) door upon the officers' arrival. Det. Lasaponara and Lt. Diab then went to the main entrance of § 87(2)(b) and Det. Lasaponara forcibly entered the building, causing damage to the front door. Det. Lasaponara and Lt. Diab proceeded through the hallway on the main floor to a rear door, which led to the § 87(2)(b). The officers went downstairs to § 87(2)(b)'s apartment and searched it for § 87(2)(b) § 87(2)(b). Det. Lasaponara and Lt. Diab did not find § 87(2)(b) § 87(2)(b) and left.

According to § 87(2)(b) (BR 06), she lives in the § 87(2)(b) of § 87(2)(b) with § 87(2)(b) § 87(2)(b)'s father, § 87(2)(b) who has his own bedroom. § 87(2)(b) was not home during the incident. § 87(2)(b) § 87(2)(b) has not lived at § 87(2)(b) since she was § 87(2)(b), and she is now § 87(2)(b). § 87(2)(b) § 87(2)(b) rarely comes to visit, as she was released on probation to her cousin's home. § 87(2)(b) (no relation) is the landlord of the building.

On an unknown date during August 2018, Det. Lasaponara, Lt. Diab, and PO Hudgens knocked on § 87(2)(b)'s door. § 87(2)(b) opened the door and Det. Lasaponara told § 87(2)(b) that they were looking for § 87(2)(b) § 87(2)(b) because she violated probation. § 87(2)(b) told the officers that § 87(2)(b) § 87(2)(b) was not home and did not live with her. § 87(2)(b) invited the officers inside and they spoke about § 87(2)(b) § 87(2)(b) for approximately 30 minutes. The officers then left.

On December 3, 2018, § 87(2)(b) heard her doorbell ring, opened the door, and saw Det. Lasaponara, Lt. Diab, and PO Hudgens. Det. Lasaponara asked if § 87(2)(b) § 87(2)(b) was home. § 87(2)(b) informed the officers that § 87(2)(b) § 87(2)(b) does not live with her and was not at the location. § 87(2)(b) asked the officers why they kept coming back to her apartment and Det. Lasaponara responded, "We gotta check." § 87(2)(b) replied, "I'm not letting you in." § 87(2)(b) saw Det. Lasaponara was holding a white piece of paper in his hand and it appeared there was a photograph of § 87(2)(b) § 87(2)(b) on the paper. § 87(2)(b) asked if the paper was a search warrant, and Det. Lasaponara explained that "it did not have to be a search warrant." Det. Lasaponara mentioned a warrant for § 87(2)(b) § 87(2)(b) "not appearing" and some kind of "violation." § 87(2)(b) refused to let the officers in and closed the door.

Immediately after, § 87(2)(b) heard what she believed to be a person kicking an object upstairs. Before she could determine what the noise was, Det. Lasaponara and Lt. Diab came down the stairs to the § 87(2)(b) opened the door at the base of the stairs, and entered § 87(2)(b)'s apartment.

Det. Lasaponara (BR 07) testified that he was assigned the case involving § 87(2)(b) § 87(2)(b) on July 31, 2018. § 87(2)(b)

Det. Lasaponara performed multiple database checks for § 87(2)(b) § 87(2)(b) which returned a "CJA Interview Report," which is a document generated after an interview was conducted with her following an arrest. The "CJA Interview Report" listed § 87(2)(b) as an address for § 87(2)(b) § 87(2)(b). Arrest reports from April 23, 2015 and May 12, 2017 listed § 87(2)(b) as § 87(2)(b) § 87(2)(b)'s address. Det. Lasaponara also performed a "benefits check" to see where § 87(2)(b) § 87(2)(b) was swiping her electronic benefit transfer card. The search returned several swipes at a store on the corner of Dean Street, which made Det. Lasaponara think § 87(2)(b) § 87(2)(b) may be living with § 87(2)(b).

Before knocking on § 87(2)(b)'s door, Det. Lasaponara went to a store on the corner of Dean Street and Brooklyn Avenue and spoke to the store owners, who said they had seen § 87(2)(b) § 87(2)(b) on the block every day. Det. Lasaponara, Lt. Diab, and PO Hudgens approached the § 87(2)(b) of § 87(2)(b). There are two doors to the § 87(2)(b) one is a grated metal door and the other is a standard front door. Det. Lasaponara heard two female voices yelling inside the apartment, though he could not hear any specific statements. Det. Lasaponara knocked on the door and identified himself as a police officer. When he did so, the two voices stopped speaking and were silent. Det. Lasaponara continued to knock on the door.

After approximately 10 to 12 minutes, § 87(2)(b) yelled through the doors that she "had company" and was not going to let him inside. Det. Lasaponara explained he had two warrants for § 87(2)(b) § 87(2)(b) but § 87(2)(b) still refused to open the door. Det. Lasaponara told § 87(2)(b) he believed § 87(2)(b) § 87(2)(b) was inside because he

heard two voices speaking. Det. Lasaponara told § 87(2)(b) that he would forcibly enter the location if he had to because he heard her speaking with someone and she said she had company over. § 87(2)(b) still did not open the door.

Det. Lasaponara and Lt. Diab discussed how they would make entry into the apartment, and decided going through the main door of the building, which is a glass and metal door, would be the easiest entry. As Det. Lasaponara had previously been to § 87(2)(b) he knew he could gain access to the § 87(2)(b) through the main entrance. Det. Lasaponara pushed on the door a few times with both of his hands, causing nails on the frame of the door to come off and the door to open. There was no other damage to the door.

Lt. Diab's testimony (BR 09) was consistent with that of Det. Lasaponara, especially in regard to hearing voices and § 87(2)(b) stating she had company over. Lt. Diab added that he saw § 87(2)(b) through the grated door continuously look behind her.

PO Hudgens (BR 08) was generally consistent with Det. Lasaponara and Lt. Diab, though he stated that he knocked on the § 87(2)(b) door, while Det. Lasaponara and Lt. Diab went to the main door of the building. When PO Hudgens heard voices inside the § 87(2)(b) he told Det. Lasaponara and Lt. Diab, who then came to the § 87(2)(b) door. PO Hudgens remained outside § 87(2)(b) for the entirety of the incident, as he was guarding the § 87(2)(b) door.

The investigation obtained an arrest warrant for § 87(2)(b) § 87(2)(b) (BR 10), § 87(2)(b) as § 87(2)(b) § 87(2)(b)'s address. The warrant included arrests from 2017 with § 87(2)(b)

In order to effect an arrest pursuant to a warrant, the police officer may enter any premises in which he reasonably believes the defendant to be present; provided, however, that where the premises in which the officer reasonably believes the defendant to be present is the dwelling of a third party who is not the subject of an arrest warrant, the officer shall proceed in the manner specified in article 690. Before such entry, the officer must give notice of his authority and purpose to an occupant thereof. If the officer is authorized to enter premises and after giving such notice he is not admitted, he may enter such premises, and by a breaking if necessary. N.Y. Crim. Proc. Law 120.80 (BR 13).

Police officers lawfully entered the defendant's house to execute a bench warrant for the defendant's brother, as the officers reasonably believed that the brother, who resided at the same house, was present when they entered. People v. Jones, 99 A.D.3d 1254 (App. Div.) (2012) (BR 15).

In People v. Cabral 147 Misc.2d 1000 (1990), the court held that officers entered an apartment based on the defendant listing that address on court paperwork filed 6.5 months earlier was unjustified, as the officers "failed to prove (1) that the suspect named in the arrest warrant lived in the subject premises on the day of its execution; (2) that the warrant officers had a reasonable belief of the suspect's presence therein at the time of the execution; or (3) that the officer gave or made reasonable effort to give proper notice of their authority and purpose to the defendant occupant before entry into said premises" (BR 16).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (D) Abuse of Authority: Detective Piero Lasaponara searched § 87(2)(b)

§ 87(2)(b) **in Brooklyn.**

Allegation (E) Abuse of Authority: Lieutenant William Diab searched § 87(2)(b)

§ 87(2)(b) **in Brooklyn.**

As previously mentioned, § 87(2)(b) (BR 06) said that before she could investigate the noise she heard, Det. Lasaponara and Lt. Diab came down the stairs and opened the door at the base of her stairs into her apartment. Lt. Diab continued down the stairs to the “true basement,” where no one resides.

Det. Lasaponara asked § 87(2)(b) why she refused to open the door to which § 87(2)(b) responded, “You didn’t have a search warrant.” Det. Lasaponara proceeded to § 87(2)(b)’s bedroom and looked inside the closed, and pushed open the door to § 87(2)(b) Jacobs’ room and opened his closet. Det. Lasaponara went inside the kitchen and looked into a pantry closet where § 87(2)(b) keeps a washer and dryer. Det. Lasaponara went outside through the backdoor in the kitchen and looked inside a shed in § 87(2)(b)’s backyard. Det. Lasaponara came back inside and approached the door to the “true § 87(2)(b) and said, “Everything good down there?” Lt. Diab then emerged from the “true § 87(2)(b) and confirmed that everything was fine. Det. Lasaponara then left § 87(2)(b)’s apartment through the basement door, while Lt. Diab went back up to the stairs to the main floor.

§ 87(2)(b) saw that wood had fallen off the main door to the building and a glass panel was shattered. Lt. Diab tried to open the door to § 87(2)(b)’s apartment, which was locked. Lt. Diab then went up to the second floor of the building for approximately one minute, but § 87(2)(b) could not see what Lt. Diab did on the second floor. § 87(2)(b) then followed Lt. Diab outside where she saw Det. Lasaponara and PO Hudgens.

According to Det. Lasaponara (BR 07), when he and Lt. Diab went to the § 87(2)(b) § 87(2)(b) yelled for the officers to get out and cursed at them. Det. Lasaponara and Lt. Diab did a visual inspection of the § 87(2)(b) but did not see § 87(2)(b) § 87(2)(b) Det. Lasaponara saw that the back door of the apartment was open, which made him believe that § 87(2)(b) § 87(2)(b) may have fled through the back door. Det. Lasaponara and Lt. Diab jumped over several fences into approximately five to six yards that were directly behind § 87(2)(b) § 87(2)(b)’s yard before returning to § 87(2)(b)’s apartment. Det. Lasaponara looked inside § 87(2)(b)’s bedroom and saw open shopping bags of clothes which appeared to belong to a younger woman. Det. Lasaponara also saw bags of blonde and brown weaves, which § 87(2)(b) § 87(2)(b) is known to change. Det. Lasaponara asked § 87(2)(b) to unlock the door to the second bedroom, which § 87(2)(b) did. Det. Lasaponara went inside the bedroom, but did not see anything.

Det. Lasaponara walked down the stairs to the “sub basement” and used his flashlight to illuminate it. The “sub basement” was entirely empty, so Det. Lasaponara returned to § 87(2)(b) § 87(2)(b)’s apartment. After approximately five minutes, Det. Lasaponara and Lt. Diab left through the front basement door and went to assess the damage to the main door.

Lt. Diab (BR 09) was consistent with Det. Lasaponara, though he did not recall seeing bags of clothing or weaves. Lt. Diab denied trying to open any doors on the main floor and going up to the second floor.

A protective sweep, aimed at protecting the officers, is not a full search of the premises, but may extend only to cursory inspection of those spaces where a person might be found. Maryland v. Buie 494 U.S. 325 (1990) (BR 14).

§ 87(2)(g)

Allegation (F) Abuse of Authority: At § 87(2)(b) in Brooklyn, Lieutenant William Diab refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) (BR 06) said that after the officers left, she asked Det. Lasaponara, PO Hudgens, and Lt. Diab for their shield numbers. Det. Lasaponara and PO Hudgens provided them, but Lt. Diab said, “It’s right here,” and pulled on his jacket, without verbally providing it.

Lt. Diab (BR 09) did not hear § 87(2)(b) ask for all of the officers’ shield numbers and did not hear anyone refuse to provide it.

§ 87(2)(b), § 87(2)(g)

Allegation (G) Abuse of Authority: At § 87(2)(b) in Brooklyn, Detective Piero Lasaponara failed to provide § 87(2)(b) with a business card.

Allegation (H) Abuse of Authority: At § 87(2)(b) in Brooklyn, Lieutenant William Diab failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) said she never received a business card from any of the officers.

Det. Lasaponara (BR 07) and Lt. Diab (BR 09) were not sure if § 87(2)(b) was provided with a business card.

A business card is to be offered for a law enforcement activity, including after a home search. NYPD Patrol Guide Procedure 203-09 (BR 12).

§ 87(2)(b), § 87(2)(g)

Allegation (I) Abuse of Authority: At the 77th Precinct stationhouse, Police Officer Chandrapaul Temal did not process § 87(2)(b) s complaint regarding officers.

After Det. Lasaponara, Lt. Diab, and PO Hudgens left, § 87(2)(b) went to the 77th Precinct stationhouse and spoke to PO Temal, who was at the desk. § 87(2)(b) explained that she wanted to file a complaint against the officers who broke her door. PO Temal provided § 87(2)(b) with a telephone number for IAB. When § 87(2)(b) called the number, she reached the CCRB.

§ 87(2)(b) provided PO Temal's name during her intake call.

PO Temal (BR 11) was assigned as the telephone switchboard operator in the 77th Precinct, but had no recollection of this incident and denied refusing to process § 87(2)(b)'s complaint.

Although PO Temal had no recollection of this incident, because § 87(2)(b) identified him by name and described his as an Indian male, matching his pedigree information, and because he is the only officer assigned to the 77th Precinct with the last name "Temal," PO Temal was identified as the subject officer. § 87(2)(b), § 87(2)(g)

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Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been a party (BR 04-05).
- Det. Lasaponara has been a member of service for ten years and has been a subject in nine CCRB complaints and 16 allegations, of which one was substantiated:
 - 201301007 involved a substantiated allegation of premises entered and/or searched against Det. Lasaponara. The Board recommended instructions and the NYPD did not impose disciplinary action.
 - § 87(2)(g)
- Lt. Diab has been a member of service for 13 years and has been made a subject in 15 CCRB complaints and 43 allegations, of which five were substantiated:
 - 200800389 involved substantiated allegations of physical force and discourtesy – action against Lt. Diab. The Board recommended charges and the NYPD imposed a forfeiture of 35 vacation days.
 - 201507839 involved a substantiated allegation of a stop against Lt. Diab. The Board recommended formalized training and the NYPD imposed formalized training.
 - 201803645 involved substantiated allegations of refusal to provide name/shield and a stop against Lt. Diab. The Board recommended Command Discipline A and the NYPD has not yet imposed discipline.
 - § 87(2)(g)
- PO Temal has been a member of service for one year § 87(2)(b)

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of January 9, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 01).

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (BR 03).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date